

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 KFD ENTERPRISES, INC., a California  
12 Corporation dba Norman's Dry Cleaners,

No. C-08-4571 MMC

**ORDER TO SHOW CAUSE**

13 Plaintiff,

14 v.

15 CITY OF EUREKA,

16 Defendant  
\_\_\_\_\_ /

17 Before the Court is the City of Eureka's ("the City") Fourth Amended Counter-Claim  
18 and Cross-Claim, filed October 15, 2010. At the case management conference held  
19 August 6, 2010, this Court issued an order setting October 15, 2010 as the deadline for any  
20 party "to file [a] stipulation or motion to amend pleadings in any fashion." (See Doc. No.  
21 294); see also Fed. R. Civ. P. 15(a) (providing "[a] party may amend its pleading once as a  
22 matter of course," and "[i]n all other cases, . . . may amend its pleading only with the  
23 opposing party's written consent or the court's leave"). The City has not filed a stipulation  
24 or motion to amend its pleadings.<sup>1</sup>  
25


26  
27 <sup>1</sup> In addition, the City violated General Order 45 and the Court's standing orders by  
28 failing to deliver to the Clerk's Office "no later than noon on the business day following the  
day that the papers are filed electronically, one paper copy of each document that is filed  
electronically . . . marked 'Chambers Copy' and . . . clearly marked with the judge's name,  
case number, and 'Chambers Copy-Do Not File.'" See General Order 45 § VI.G; see also  
Standing Orders For Civil Cases Assigned to The Honorable Maxine M. Chesney ¶ 2. The

1 Further, there currently are pending three motions to dismiss filed in response to the  
2 City's Third Amended Counter-Claim and Cross-Claim, which motions would be rendered  
3 moot by the filing of the Fourth Amended Counter-Claim and Cross-Claim.

4 Accordingly, the City is hereby ORDERED TO SHOW CAUSE in writing, filed and  
5 served no later than November 5, 2010, why the Fourth Amended Counter-Claim and  
6 Cross-Claim should not be stricken. If any party wishes to address the City's response,  
7 such party shall do so no later than November 12, 2010.

8 **IT IS SO ORDERED.**

9  
10 Dated: October 27, 2010

  
MAXINE M. CHESNEY  
United States District Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Court did not receive a paper copy of the City's amended pleadings until October 25, 2010,  
and then only after a request for such was made by the Clerk's Office.